

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.40313 of 2016**

Arising Out of PS.Case No. -63 Year- 2016 Thana -BAIKUNTHPUR District- GOPALGANJ

- =====
1. Raj Kumar Sah son of Late Sudama Sah
  2. Anita Devi wife of Raj Kumar Sah Both residents of Village Diguwa  
Dhati tola Police Station Baikunthpur District Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Kumar Singh, Advocate

For the Opposite Party/s : Mr. Matloob Rab, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      04-10-2016                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

Petitioners apprehend their arrest in connection with  
Baikunthpur P.S.Case No. 63/2016 registered for offences  
punishable under Sections 341, 323, 324 and 307/34 of the Indian  
Penal Code.

The prosecution case as lodged by the informant,  
Shivnath Rai is that on 23.05.2016 at about 2.30 P.M. his Bhawe  
Vijan Devi was taking water from hand pipe at his door, in the  
meantime the daughter of Raj Kumar Sah also came to take water,  
and there was hot talk between them. In the meanwhile, Raj  
Kumar Sah having khanti ( iron rod) and his wife Anita Devi



having dab came there and started abusing and assaulting the informant. It is alleged that Raj Kumar Sah, petitioner No. 1, assaulted him with Khanti on his head and his wife, petitioner No. 2 assaulted him with back portion of Dab and when his son Rajesh Kumar came to save him, he was also assaulted by the accused persons.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that they are next door neighbors and agnates and occurrence took place due to land dispute for which a counter case has been lodged by the petitioners' side for the same occurrence on the same day. He submits that the injuries on the informant has been found to be simple in nature and no case under Section 307 of the I.P.C. is made out against the petitioners. He further submits that there is land dispute between the party and Title suit No. 286/2014 is pending between them and there was a free fight between both the parties.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the petitioners have no criminal antecedents as is evident from para-3 of this application

and there is a case and counter case and injury having been found to be simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned 3<sup>rd</sup> Additional Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S.Case No. 63/2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

**(Nilu Agrawal, J)**

Sudha/-

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